

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/10/2021

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ARISTOTELES VEGA MARTINEZ,

Plaintiff,

-against-

SPITERI CONSTRUCTION CORP. et al.,

Defendants.
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21-CV-5955 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on July 12, 2021, (Doc. 1), and filed an affidavit service for Defendant Spiteri Construction Corp. (the “corporate Defendant”) on July 16, 2021, (Doc. 10.) The deadline for the corporate Defendant to respond to Plaintiff’s complaint was August 5, 2021. (*See id.*) To date, the corporate Defendant has not appeared or responded to the complaint. Plaintiff, however, has taken no action to prosecute this case. Accordingly, if Plaintiff intends to seek a default judgment against the corporate Defendant, Plaintiff is directed to do so in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases by no later than September 9, 2021. If Plaintiff fails to do so or otherwise demonstrate that he intends to prosecute this litigation against the corporate Defendant, I may dismiss this case against the corporate Defendant for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

I note that Plaintiff has not filed an affidavit of service for Defendants Michael Spiteri or Loreta Spiteri, such that Plaintiffs cannot move for a default judgment against those Defendants at this time. Failure to comply with Federal Rule of Civil Procedure 4(m) risks dismissal of this action against those Defendants.

SO ORDERED.

Dated: August 10, 2021
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, slightly stylized font. The first letter "V" is large and prominent. The signature is positioned above a horizontal line.

VERNON S. BRODERICK
United States District Judge